

REMARKS

In the Office Action, claims 1-20 were rejected. All claims are believed to be patentable in their current form, and their reconsideration and allowance are requested.

Claims 1-20 were all rejected as unpatentable over the combination of Matteson et al. (U.S. Patent No. 7,164,684; hereinafter “Matteson”) and Palmer et al. (U.S. Patent No. 6,141,355; hereinafter “Palmer”). Applicants note first that the application includes three independent claims, namely claims 1, 10 and 18. In the detailed formulation of the rejection of claims 10 and 18, no mention was made of the Palmer reference.

Accordingly, Applicants have treated the rejection of independent claims 10 and 18 as being on the basis of 35 U.S.C. §102(e). Applicants would draw the Examiner’s attention to the fact that, although the Matteson reference itself qualifies only under 35 U.S.C. §102(e), its prior publication would apparently qualify as prior art under 35 U.S.C. §102(a). However, because the invention is believed to be clearly patentable over Matteson or the combination of Matteson with Palmer, this distinction is not material to the comments made below.

Claim 1 and the claims depending therefrom.

Claim 1 recites a communication device that has two portions connected to first and second points. The first portion is configured to manage collisions among first set of messages transmitted from the first point to the second point. The second portion, on the other hand, is configured to transmit a second set of messages from the second point to the first point (*i.e.*, in the opposite sense), free of collision management.

The Examiner is said to have identified in Matteson similar first and second portions, but admitted that Matteson does not disclose a device in which the second portion is configured to transmit free of collision management a second set of messages. The Examiner then relied upon Palmer for teaching an “enhanced network comprising an X-hub 4 allowing concurrent transmissions through several network interface points

without resulting collisions”. Office Action, page 3. The Examiner particularly referred to a passage in Palmer found in column 9 of the reference. The passage reads as follows:

In contrast to an Ethernet hub 3, however, the X-Hub 4 allows concurrent transmissions through several Network Interface Points 2 without resulting collisions, provided that the X-Hub 4 is configured appropriately. Such support for concurrent transmissions results in a significant increase in capacity as compared to a conventional Ethernet Network, where only a single transmission through one of the Network Interface Points 2 can occur without collision. Palmer, column 9, lines 33-40.

However, continuing from this point in the passage, Palmer specifies that:

[m]oreover, as discussed in more detail below, such concurrent transmissions occur in a circuit switched mode. Palmer, column 9, lines 41-42.

It would appear that Palmer does allow for concurrent transmission of messages, but does so ***with collision management***. That is, from the review of Palmer discussed above, it would appear that the circuit switched mode would be more correctly classified as transmission with collision management, as is performed by the “first portion” recited in claim 1.

Accordingly, Palmer cannot be reasonably read to teach message communication ***free of collision management***. No combination of Matteson and Palmer could, then, fairly teach the first and second portions recited in claim 1.

Moreover, Applicants submit that there is no reasonable basis for combining Matteson with Palmer, or for modifying either reference with respect to the subject matter of claim 1. That is, both references appear to teach collision avoidance. Such collision avoidance is exactly what is not performed by the second portion recited in claim 1. Neither Matteson nor Palmer teaches any parallel path, or any similar transmission

arrangement that would support a modification of Matteson or Palmer in a manner that could read on the collision managed path and the collision management-free path that are the focus of claim 1.

Accordingly, the combination of Matteson and Palmer cannot support a *prima facie* case of obviousness of claim 1. Claim 1 and its dependent claims are therefore believed to be clearly patentable over the proposed combination. Their reconsideration and allowance are requested.

Claim 10 and the claims depending therefrom.

The rejection of independent claim 10 was supported by an argument based upon Matteson alone. No proposed combination or modification of Matteson based on Palmer was argued by the Examiner. The recitations of claim 10 are believed to be clearly distinguished from Matteson for the reasons discussed below.

The Examiner relied upon a single figure and a passage from Matteson to support the rejection of claim 10. The passage reads as follows:

FIG. 5 is a detailed diagram of connectivity device 34. In an exemplary embodiment, connectivity device 34 includes a central processing unit (CPU) 150 connected to, [sic] an electronic data storage device 154, a hub module 158, a switch module 162, a repeater module 166, a router module 172, and at least one connection port 36. CPU 150 utilizes communications with storage device 154, hub module 158, switch 162, repeater 166, router 172, and port 36, to execute functions of connectivity device 34. Connectivity device 34 is connected to a network (not shown), such as network 10, shown in FIG. 1, via port 36. Hub module 56 functions as a network hub, switch module 162 functions as a network switch, where repeater module 166 functions as a network repeater, and router module 172 functions as a network router, thereby enabling connectivity device 34 where at least one hub, switch, repeater, and router characteristics. Although FIG. 5 shows connectivity device 34 having individual modules 158, 162, 166, and 172, in an alternate embodiment, connectivity device 34 includes a single module (not shown). The single

module functions as at least one of the hub module 158, the switch module 162, repeater module 166, and router module 172, thereby enabling connectivity device 34 with hub, switch, repeater, and/or router characteristics. Additionally, although FIG. 5 shows modules 158, 162, 166, and 172 separate from CPU 150, in another embodiment the functions of modules 158, 162, 166, and 172 are performed by CPU 150, thereby enabling connectivity device 34 with hub, switch, repeater, and/or router characteristics. Matteson, column 6, lines 9-36.

This passage, and the Matteson reference in general, does teach a connectivity device that has multiple modules. However, claim 10 is more specific than the simple provision of a network hub and a network switch. Claim 10, rather, recites that the hub and switch are connected to allow for communication between the same two points or sets of points. Specifically, claim 10 recites, in relevant part:

a first plurality of connections for connecting said hub portion to a plurality of first points on a bi-directional communication network and to a second point on the bi-directional communication network; and

a second plurality of connections for connecting said switch portion to said plurality of first points and to said second point.

The disclosure of Matteson does not support the anticipation (or even a *prima facie* case of obviousness) of claim 10. That is, nothing in Matteson would suggest to one skilled in the art that the hub 158 and switch 162 shown in FIG. 5 of the reference (assuming that these are the elements referred to by the Examiner) would or should both be connected to a plurality of first points and to a second point in a bi-directional communication network. On the contrary, one skilled in the art would glean from FIG. 5 and its accompanying description simply that these components are provided and that they can serve their intended function in a network. That function *is not* generally to connect a plurality of first points in a bi-directional communication network with a second point in a parallel fashion as recited in claim 10. At the very least, the Examiner has not suggested or even argued that Matteson does teach such parallel connection between such points, and the reference does not teach such connections.

Absent the specific teachings discussed above, Matteson cannot support a rejection under 35 U.S.C. §102 or under 35 U.S.C. §103 of claim 10 or its dependent claims. Their reconsideration and allowance are requested.

Claim 18 and the claims depending therefrom.

As noted above, claim 18 was only argued as unpatentable over Matteson. No use of Palmer was made in the rejection formulated by the Examiner. Claim 18 recites a method having steps essentially similar to the connections recited in claim 10. As noted above, Matteson does not teach parallel communication of messages between points in a bi-directional communication network as recited in claim 18 (or claim 10). Accordingly, claim 18 and the claims depending therefrom are believed to be clearly patentable over Matteson (or any combination of Matteson with Palmer). Reconsideration and allowance of claim 18 and its dependent claims are respectfully requested.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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